

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of K.R.D., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REBECCA ANN DYDA,

Respondent-Appellant,

and

TOM ADAMS,

Respondent.

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UNPUBLISHED

July 26, 2002

No. 234469

Wayne Circuit Court

Family Division

LC No. 99-384272

Before: Talbot, P.J., and Cooper and D. P. Ryan\*, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Petitioner initiated this action by alleging that respondent's mental health problems rendered her unable to provide proper care and custody for her child. Respondent consistently denied that she suffered from any mental health problems, refused to cooperate with petitioner's requirements that she obtain psychological and psychiatric evaluations and undergo treatment, refused to sign releases as

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<sup>1</sup> The trial court's order also terminated the parental rights of respondent Tom Adams, K.R.D.'s legal father. Adams has not appealed the order.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

needed, and maintained that all parties were acting inappropriately and were lying about her condition in an attempt to ruin her life. Respondent refused to take steps to address her mental health issues, and her condition was unchanged at the time of the permanent custody hearing.

Contrary to respondent's assertion, her contention at the permanent custody hearing that she would appear for a psychiatric evaluation, but that she would do so unwillingly because all parties involved were making false allegations about her, did not obligate the trial court to continue this matter. Respondent's answer did not indicate that she agreed to cooperate in order to obtain an accurate evaluation of her mental status.

The trial court did not err in finding that termination of respondent's parental rights was warranted on the grounds the conditions that led to the adjudication continued to exist and were unlikely to be rectified with a reasonable time, MCL 712A.19b(3)(c)(i); that she was unable to provide proper care and custody for the child and could not reasonably be expected to do so within a reasonable time, MCL 712A.19b(3)(g); and it was reasonably likely that the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j).

Further, because at least one statutory ground for termination was established, the trial court was required to terminate respondent's parental rights unless the trial court found that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). Based on the evidence presented, the trial court's finding regarding the child's best interests was not clearly erroneous. *Trejo, supra*.

Affirmed.

/s/ Michael J. Talbot  
/s/ Jessica R. Cooper  
/s/ Daniel P. Ryan